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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

JAMES BURNS

CIVIL ACTION NO. 08-0428
Section P

VERSUS

JUDGE ROBERT G. JAMES

LYDIA SMITH, ET AL.

MAG. JUDGE KAREN L. HAYES

JUDGMENT

The Report and Recommendation of the Magistrate Judge having been considered [Doc. No. 72], together with the written objections thereto filed with this Court [Doc. No. 74], and, after a *de novo* review of the record, finding that the Magistrate Judge's Report and Recommendation is correct and that judgment as recommended therein is warranted,

IT IS ORDERED, ADJUDGED, AND DECREED that the motion for summary judgment filed by Defendants Lydia Smith, Jimmy Shivers, and Larry G. Cox [Doc. No. 63], is hereby **GRANTED IN PART**, and that judgment is entered in favor of said Defendants, dismissing with prejudice, Plaintiff James Burns' individual capacity claims for inadequate medical care and diet, placement in lockdown, incidental macing, excessive force injuries to other inmates, withholding of dessert, and constant illumination. Fed. R. Civ. P. 56. Defendants' motion for summary judgment is otherwise **DENIED**.

THUS DONE AND SIGNED this 1 day of September, 2009, in Monroe, Louisiana.



ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE